APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,919	11/15/2001	Seung-Taek Hyon	678-674(P9693)	5088

28249	7590	12/27/2005

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EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/002,919	HYON, SEUNG-TAEK
	Examiner	Art Unit	
	Khai M. Nguyen	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is response to Amendment filed on 10/19/2005.

Claims 1-21 are pending.

Applicant's arguments filed on October 19, 2005 have been fully considered but they are not persuasive. In the Remark, the Applicant argue the limitation; "displaying the stored emoticons, selecting an emoticon, display at least one emoticon, and displaying the plurality of stored emoticons" are not taught or described in Skelly and Evans.

In contrast to the Applicant's argument, Skelly teaches and describes to select an appearance for a character that is associated with a given emotion and emotional intensity and a storage 22 to hold a copy of comic generating system (col.1, lines 43-58, see Evans, paragraph 0026-0027). For example, the system provider a user with a number of different character choices. When a user enters a chat session, the user must select from amongst those character choices. The system maintains a set of bitmaps for each of the characters to reflect different gestures and expressions (fig.2, element 22, col.1, lines 43-58, col.3, line 57 to col.4, line 48).

Having fully address the Applicant's argument, the rejection still stands.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Skelly (U.S.Pat-6064383) in view of Evans et al. (U.S.Pub-20040002325).

Regarding claim 1, Skelly teaches an emoticon input method in a mobile terminal

(fig.2, col.2, lines 35-45), comprising the steps of:

entering an emoticon input mode (col.1, lines 43-65);

displaying the stored emoticons in an emoticon input mode (fig.2, 3a, abstract,

col.4, lines 27-48);

selecting an emoticon (col.1, lines 43-58, col.2, lines 35-45); and

Skelly fails to specifically discloses storing a plurality of emoticons in the mobile

terminal, and storing as part of a short message the emoticon selected by a user.

However, Evans teaches storing a plurality of emoticons in the mobile terminal of a

short message the emoticon (fig.1, element 26, paragraph 0049, 0130), and storing as

part selected by a user (fig.1, element 26, paragraph 0026, 0049, 0130). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to use storing a plurality of emoticons in the mobile terminal, and storing as part

of a short message the emoticon selected by a user as taught by Evans with Skelly

teaching in order to provide further graphical content to SMS.

Regarding claim 2, Skelly and Evans further teaches the emoticon input method

of claim 1, wherein the emoticons are stored in the form of a bit map (col.1, lines 43-58,

see Evans, paragraph 0029).

Regarding claim 3, Skelly and Evans further teaches the emoticon input method

of claim 1, wherein the emoticons are formed by utilizing a plurality of typical characters

and special characters in combination (col.1, lines 43-58).

Regarding claim 4, Skelly and Evans further teaches the emoticon input method

of claim 1, further comprising the step of transmitting an SMS (Short Message Service)

message including the stored emoticon (fig.1, element 26, paragraph 0026, 0049,

0130).

Regarding claim 5, Skelly and Evans further teaches the emoticon input method

of claim 1, wherein the emoticons are stored by a manufacturer in the process of

manufacturing (paragraph 0148).

Regarding claim 6, Skelly and Evans further teaches the emoticon input method

of claim 1, wherein the emoticons are created and stored by the user (paragraph 0150).

Regarding claim 7, Skelly and Evans further teaches the emoticon input method

of claim 1, wherein the emoticons are received from a base station and stored in the

mobile terminal (paragraph 0148-0150).

Regarding claim 8, Skelly and Evans further teaches the emoticon input method

of claim 1, wherein the emoticons are downloaded into the mobile terminal from the

Internet and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 9, Skelly and Evans further teaches the emoticon input method

of claim 1, further comprising the step of changing and editing the emoticons by the

user (paragraph 0157-0159).

Regarding claim 10, Skelly teaches an emoticon input method in a mobile

terminal (fig.2, col.2, lines 35-45), comprising the steps of:

grouping a plurality of emoticons formed by utilizing a plurality of typical

characters and special characters in combination (col.1, lines 43-58)

entering an emoticon input mode (col.1, lines 43-65);

displaying the stored emoticon groups (fig.2, 3a, abstract, col.4, lines 27-48);

selecting an emoticon group (col.1, lines 43-58, col.2, lines 35-45);

displaying the emoticons of the emoticon group selected by a user (fig.2, 3a, abstract, col.4, lines 27-48) ; and

Skelly fails to specifically discloses storing the emoticons by groups in the mobile terminal, and storing an emoticon as part of a short message selected by the user. However, Evans teaches storing the emoticons by groups in the mobile terminal (fig.1, element 26, paragraph 0026, 0049, 0130), and storing an emoticon as part of a short message selected by the user (fig.1, element 26, paragraph 0026, 0049, 0130). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use storing a plurality of emoticons in the mobile terminal, and storing as part of a short message the emoticon selected by a user as taught by Evans with Skelly teaching in order to provide further graphical content to SMS.

Regarding claim 11, Skelly and Evans further teaches the emoticon input method of claim 10, wherein the emoticons are stored by a manufacturer in the process of manufacturing ().

Regarding claim 12, Skelly and Evans further teaches the emoticon input method

of claim 10, wherein the emoticons are created and stored directly by the user

(paragraph 0150).

Regarding claim 13, Skelly and Evans further teaches the emoticon input method

of any of claim 10, wherein the emoticons are received from a base station and stored

in the mobile terminal (paragraph 0148-0150).

Regarding claim 14, Skelly and Evans further teaches the emoticon input method

of claim 10, wherein the emoticons are downloaded into the mobile terminal from the

Internet and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 15, Skelly and Evans further teaches the emoticon input method

of claim 10, further comprising the step of changing and editing the emoticons by the

user (paragraph 0157-0159).

Regarding claim 16, Skelly teaches an emoticon input method in a mobile

terminal (fig.2, col.2, lines 35-45), comprising the steps of:

forming emoticons by utilizing a plurality of typical characters (col.1, lines 43-58,

col.2, lines 35-45);

selecting at least one emoticon from the plurality of emoticons (col.1, lines 43-58,

col.2, lines 35-45); and

Skelly fails to specifically discloses displaying the plurality of stored emoticons,

storing a plurality of the emoticons, and transmitting an SMS message including the at

least one emoticon selected by a user. However, Evans teaches displaying the plurality

of stored emoticons (paragraph 0028), storing a plurality of the emoticons, and

transmitting an SMS message including the at least one emoticon selected by a user

(fig.1, element 26, paragraph 0026, 0049, 0130). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to use displaying

the plurality of stored emoticons, storing a plurality of emoticons in the mobile terminal,

and storing as part of a short message the emoticon selected by a user as taught by

Evans with Skelly teaching in order to provide further graphical content to SMS.

Regarding claim 17, Skelly and Evans further teaches the emoticon input method

of claim 16, wherein the emoticons are formed and stored by a manufacturer in the

process of manufacturing (paragraph 0148).

Regarding claim 18, Skelly and Evans further teaches the emoticon input method of claim 16, wherein the emoticons are formed and stored by the user (paragraph 0148-0150).

Regarding claim 19, Skelly and Evans further teaches the emoticon input method of claim 16, wherein the emoticons are received from a base station and stored in the mobile station (paragraph 0148-0150).

Regarding claim 20, Skelly and Evans further teaches the emoticon input method of claim 16, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal (paragraph 0148-0150).

Regarding claim 21, Skelly and Evans further teaches the emoticon input method of claim 16, further comprising the step of changing and editing the emoticons by the user (paragraph 0157-0159).

Conclusion

3.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au:2687

SONNY TRINH
PRIMARY EXAMINER

12/20/2005